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Claim 2 is independently allowable over *Suenaga*. Claim 2 requires that "the shield reflects the ultraviolet light that passes through the monolith towards the monolith to minimize leakage of the ultraviolet light from the module." The shield 3 that is positioned on the opposite end of the compartment 14 relative to each light source 4 would not reflect ultraviolet light from the light source at the opposite end. That is, each shield 3 would only reflect light directed from the UV light source 4 positioned directly adjacent to the shield 3 in the example embodiments of *Suenaga*. Therefore, claim 2 is independently allowable.

§103 Rejections

The Examiner rejected claims 8-10 as being obvious over *Suenaga*. Claims 4 and 5 are rejected under 35 U.S.C. §103(a) as being obvious over *Suenaga* in view of *Ichikawa* (U.S. Patent No. 6,421,915). Claim 3 is rejected under 35 U.S.C. §103(a) as being obvious over *Suenaga* in view of *Say, et al.* (U.S. Patent No. 5,790,934). As stated above, *Suenaga* fails to anticipate each feature of the Applicants' claim. Therefore, these rejections are moot.

Claims 6, 11-13 and 14-16 stand finally rejected under 35 U.S.C. §103(a) as being obvious over *Suenaga* in view of *Bigelow* (U.S. Patent No. 6,500,387). The Examiner continues to argue that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the shield of *Suenaga* to utilize a sheet metal material and provide a shield height that is less than the monolith height in order to provide optimal reflectivity and limit the amount of air that is blocked by the shields when passing through the module as exemplified by *Bigelow*. Applicant continues to disagree with this rejection.

A *prima facie* case of obviousness has not been established. Where a proposed modification would destroy a main goal of the base reference, the proposed combination cannot be made and there is no *prima facie* case of obviousness.

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In this case, modifying *Suenaga* such that the mirror 3 height is made less than a height of the filter 2 would destroy the functionality of *Suenaga* as related to Figure 9. For example, paragraph 15 of *Suenaga* describes that the mirror 3 is designed to vibrate through springs 18 by wind communicated through the rear face side 3A. Reducing the height of the mirror 3 would result in a reduced amount of wind contacting the mirror such that the mirror 3 would vibrate less. Less vibration of the mirror 3 would directly result in less reflectivity of the UV light. Therefore, the Examiner's proposed combination would result in reducing the reflectivity of the device rather than improving it. A worker of ordinary skill in the art would not make the proposed combination for these reasons. Therefore, claims 6, 11 and 14-16 are not obvious.

Double Patenting

The Examiner provisionally rejects claims 1-5 on the ground of obviousness-type double patenting over claims 1-3 and 8-12 of co-pending Application No. 10/788,845 in view of *Suenaga* and rejects claims 1-5 and 10 over claims 1-3 and 10-12 of co-pending Application No. 10/789,962 in view of *Suenaga*. Applicant postpones comment on these rejections until the final claim scope and order of issuance of these applications is determined.

Accordingly, Applicants believes that all claims are in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: _____



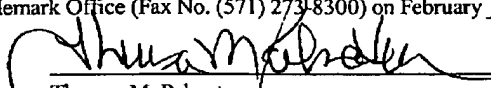
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Dated: February 12, 2008

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CERTIFICATE OF FACSIMILE

I hereby certify that this Request for Reconsideration, relative to Application Serial No. 10/789,699, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on February 12, 2008.


Theresa M. Palmateer

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